

HEALTH DEPARTMENT

The 20th April, 1973

No. 2595-A.S.O.-II-HB-II-73/12177.—Whereas the Governor of Haryana is satisfied that the State of Haryana is threatened with an out-break of dangerous epidemic disease, namely, Malaria and the ordinary provisions of the law for the time being in force are insufficient for the purpose. Now, therefore, in exercise of the powers conferred by section 2 of the Epidemic Diseases Act, 1897, the Governor of Haryana hereby makes the following regulations, namely :—

1. These regulations may be called the Haryana Epidemic Diseases (Malaria) Regulation, 1973.
2. In these regulations unless the context otherwise requires,—
 - (a) "Epidemic Disease" means Malaria ;
 - (b) "Passive Surveillance Centre" means any place which may be declared by the Deputy Commissioner concerned in exercise of the powers conferred upon him to be a Passive Surveillance Centre ;
 - (c) "Inspecting Officer" means a person appointed by the Director, Health Services or the Chief Medical Officer concerned to be an Inspecting Officer.
3. An inspecting officer who is unavoidably prevented from discharging all or any of the functions may by order, in writing, appoint any Medical Officer, Assistant Unit Officer, Health Supervisor (Malaria), Senior Malaria Inspector, Senior Sanitary Inspector, Malaria Inspector/Health Inspector/Surveillance Inspector, Sanitary Inspector, Basic Health Workers, Surveillance Worker to discharge such functions and every official so appointed shall so far as such functions are concerned be deemed for the purpose of these regulations to be an Inspecting Officer.
4. An Inspecting Officer may enter any premises, for the purpose of fever surveillance, treatment or spray. He may also authorise other persons of his team to enter such premises along with him as he considers necessary.
5. An Inspecting Officer may put to any person any question he thinks fit, in order to ascertain whether there is any reason to believe or suspect that such person is or may be suffering from Malaria and such person shall give answer truly to questions so put to him.
6. Where as a result of such inspection or examination or otherwise the Inspecting Officer considers that there is reason to believe or suspect that such person is or may be infected with Malaria, the Inspecting Officer may direct such person to give his blood slide for examination and to take such treatment as the Inspecting Officer may consider necessary. In case of a minor, such order shall be directed to the guardian or any other adult member of the family of the minor.
7. The Inspecting Officer may order any premises to be sprayed with insecticides.
8. These regulations shall come into force at once and shall remain in force up to 31st December, 1973.

P. L. CHHABRA,

Commissioner for Health and Secretary.

P. W. D. BUILDING & ROADS BRANCH

The 26th April, 1973

No. 246/EII.—On attaining the age of superannuation Shri Roshan Lal Pathak, Superintendent is retired from Government Service w.e.f. 26th April, 1973 (F.N.)

I.C. GUPTA,

Chief Engineer, Haryana,
P.W.D., B. & R. Branch.

LABOUR DEPARTMENT

The 17th April, 1973

No. 3381-3Lab-73/16376.—In supersession of Haryana Government Labour Department notification

The 19th/20th April, 1973

No. 4135-4Lab-73/16891.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Haryana, Faridabad in respect of the dispute between the workmen and the management of M/s Spencer Lock Company, 63, Industrial-cum-Housing Estate, Sector-6, Faridabad.

tion No. 7204-4Lab-71/25312, dated 28th July, 1971, and in exercise of the powers conferred by sub-section (i) of Section 15 of the Payment of Wages Act, 1936 (Central Act IV of 1936), the Governor of Haryana is pleased to appoint Commissioners appointed under the Workmen's Compensation Act, 1923,—vide Haryana Government, Labour Department notification No. 1591-4Lab-73/7949, dated 14th March, 1973 to be authorities to bear and decide all claims arising out of delay in payment of wages or deductions from the wages of persons employed or paid in the local areas of their respective jurisdiction under the said Act.

BEFORE SHRI O. P. SHARMA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD

Reference No. 10 of 1972

between

THE WORKMEN AND THE MANAGEMENT OF M/S SPENCER LOCK COMPANY
63, INDUSTRIAL CUM-HOUSING ESTATE, SECTOR-6, FARIDABAD

Present.—Shri Roshan Lal Sharma, for the workmen.

Shri R. C. Sharma, for the management.

AWARD

The following disputes between the management of M/s Spencer Lock Company, 63, Industrial-cum-Housing Estate, Sector 6, Faridabad and its workmen were referred for adjudication to this tribunal by order No. ID/FD/519-D-71/4261, dated 7th February, 1972 of the Governor of Haryana in exercise of the powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947:—

1. Whether the management should pay bonus to the workers for the year 1969-70 and 1970-71? If so, with what details?
2. Whether the management should pay dearness allowance to their workmen? If so, with what details?
3. Whether the management should supply uniforms to their workmen? If so, with what details?
4. Whether the management should fix scales and grades of pay of the workers? If so, with what details?

Usual notices were given to the parties. Shri Roshan Lal Sharma, authorised representative of the workmen filed the statement of claim reiterating the above demands of the workmen as earlier raised through the demand notice leading to the present reference. The management contested the demand of the workmen mainly on the ground of the state of infancy of the establishment and its financial incapacity due to continuous losses pleading *inter alia* that no industrial dispute, in fact, existed in that, the demands were not made on the management and the Engineering Mazdoor Union had no representative capacity to raise the dispute on behalf of the workmen of this establishment. Copies of the balance sheets and profit and loss account statements were also filed along with the written statement. The workmen were called upon to file their rejoinder to the above pleas of the management and also their objections to the balance sheets, etc., if any. No rejoinder was filed nor any objection to the balance sheet, etc. the workmen even elected not to appear in the proceedings and their authorised representative Shri Roshan Lal Sharma, also did not put in his appearance to pursue their claim on several dates of hearing fixed in the case. The management was, therefore, directed to produce its evidence in support of the above pleas. The management examined one witness Shri Ajit Kumar Mittal, its partner M.W. 1. Shri Roshan Lal Sharma, representative of the workmen also appeared on the date fixed for the evidence of the workmen and fully cross examined the above witness. Thereafter three adjournments were given for the evidence of the workmen but no evidence has been adduced, documentary or oral. None of the workmen has come forward even to make his own statement in support of the demands the subject matter of the present reference.

I have heard the learned representatives of the parties and considered the facts on record. From the statement of M. W. 1 read with the copies of the balance sheets and profit and loss account statements for the period ending March 31, 1969 to March 31, 1972. Exhibit M. 1 to Exhibit M. 5 on record, it is established beyond any shadow of doubt that the first sale of the products in this factory which had started working from 1st April, 1968 had taken place in March, 1969 and there had been losses throughout, the accumulated losses upto the period ending 31st March, 1972 being Rs. 1,65,124.33. Manifestly the establishment was in a state of infancy when the present reference was made and there being continuous losses it was exempted from the payment of bonus, as contemplated under section 16 of the Payment of Bonus Act, 1965.

The other demands of the workmen for payment of dearness allowance, fixation of new scales and grades of pay, supply of uniform etc. also do not appear to be well founded nor have the same been sustained by any evidence what so ever. As stated by M.W.1 the management is already paying the wages to the workers of all types over and above the minimum wages prescribed by the Government and a detailed list of the workers showing the wages paid to them has been filed. Due to continuous losses incurred by

the management it can not be held to be in a sound financial capacity to meet these demands of the workmen. According to M.W. 1 the clothes of the workmen are not spoiled or soiled in any process involved in the manufacture of the goods in the factory. It will not be out of place to mention here that as averred in the written statement of demands the subject matter of the present reference had not been raised by the workmen direct on the management. None of them has come forward nor the union leader to make a statement in denial of the above plea raised by the management. The law is well settled on the point. According to the rule of law laid down by the Hon'ble the Supreme Court in the Sindhu Resettlement Corporation case, the demand by the workmen must be raised on the employer and rejected by the employer before the industrial dispute can be said to arise and exist for the purpose of the Industrial Disputes Act. The making of such a demand on the Conciliation Officer and its communication by him to the employer who rejects the same, would not be sufficient to constitute an industrial dispute.

The learned representative of the workmen has not been able to satisfy me to the contrary.

So, taking into consideration the facts of the case as discussed above, I am quite clear in my mind that the demands of the workmen, the subject matter of the present reference, are not well-founded and they are not entitled to any relief. The respondent establishment being in a state of infancy and having incurred losses throughout is exempted from the payment of bonus under section 16 of the Payment of Bonus Act, 1965 and its financial position does not justify the other demands of the workmen also who have further failed to establish that the demands had been properly raised by them within the meaning of the law so as to constitute any industrial dispute. The award is accordingly made. There shall be no order as to costs.

O. P. SHARMA,

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

Dated 11th April, 1973.

No. 419, dated 11th April, 1973

Forwarded (four copies) to the Secretary to Government of Haryana, Labour & Employment Departments, Chandigarh as required under Section 15 of the Industrial Disputes Act, 1947.

O. P. SHARMA,

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

Dated 11th April, 1973.

The 20th April, 1973

No. 4312-4Lab-73/17919.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Haryana, Rohtak, in respect of the dispute between the workmen and the management of M/s Bhiwani Textile Mills, Bhiwani:—

BEFORE SHRI O. P. SHARMA, PRESIDING OFFICER, LABOUR COURT,
HARYANA, ROHTAK

Reference No. 228 of 1972

between

SHRI BHOLA NATH AND THE MANAGEMENT OF M/S BHIWANI TEXTILE MILLS,
BHIWANI

Present.—

Shri Raghubir Singh, for the workman.

Shri N. M. Jain, for the management.

AWARD

The following dispute between the management of M/s Bhiwani Textile Mills, Bhiwani and its workmen Shri Bhola Nath was referred to this court for adjudication by the Governor of Haryana, in exercise of the powers conferred by clause (c) of sub-section (i) of Section 10 of the Industrial Disputes Act, 1947,—*vide* order No. ID/HSR/18-D-72/39458-62, dated 13th November, 1972.

"Whether the termination of services of Shri Bhola Nath was justified and in order? If not, to what relief is he entitled?"

Usual notices were given to the parties and they put in their respective written statements. It is however, not necessary to go into the merits of the case as an amicable settlement has been arrived at between the parties. Shri Bhola Nath concerned workman has been taken back on duty w.e.f. 27th September, 1972 and the intervening period between 4th August, 1972 to 27th September, 1972 has to be treated as leave without wages. There is now no dispute left between the parties as stated by their authorised representatives. The award is, therefore, made in terms of the above settlement. The period of un-employment of the workmen between 4th August, 1972 to 27th September, 1972 shall be treated as leave without wages. In the circumstances, there shall be no order as to costs.

Dated 10th April, 1973.

O. P. SHARMA,
Presiding Officer,
Labour Court, Haryana,
Rohtak.

No. 970, dated 16th April, 1973.

Forwarded (four copies) to the Secretary to Government, of Haryana, Labour and Employment, Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

O. P. SHARMA,
Presiding Officer,
Labour Court, Haryana,
Rohtak.

No. 4311-4Lab-73/17021.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Haryana Rohtak in respect of the dispute between the workmen and management of M/s. T. I. T. Bhiwani :—

BEFORE SHRI O. P. SHARMA, PRESIDING OFFICER, LABOUR COURT, HARYANA, ROHTAK

Reference No. 239 of 1972.

between

SHRI RAM BALI AND THE MANAGEMENT OF M/S. T.I.T., BHIWANI

Present.—

Shri Raghbir Singh for the workman.

Shri N. M. Jain, for the management.

AWARD

By order No. ID/HSR/20-F-72/40726-30, dated 23rd November, 1970 of the Governor of Haryana, the following dispute between the management of M/s. T.I.T., Bhiwani and its workman Shri Ram Bali was referred for adjudication to this court, in exercise of the powers conferred by clause (c) of sub-section (i) of section 10 of the Industrial Disputes Act, 1947.

"Whether the termination of services of Shri Ram Bali was justified and in order? If not, to what relief is he entitled?"

The parties have put in their respective written statements. It is, however, not necessary to go into the merits of the case as an amicable settlement has been arrived at between the parties. The management has agreed to reinstate the workman concerned with effect from tomorrow, the 11th of April, 1973. It has further been agreed that the intervening period of his un-employment will be treated as leave without wages. However, his earned leave under the Factories Act up to July, 1972 will be allowed as per the provisions of the Factories Act. The management has further agreed to make an ex gratia payment of Rs 45 to him. The above terms are acceptable to the workman as stated by his authorised representative Shri Raghbir Singh.

The award is accordingly made in terms of the above settlement arrived at between the parties. Shri Ram Bali concerned workman shall be reinstated by the management with effect from 11th April, 1973. The intervening period of his un-employment shall be treated as leave without wages. He is however, be entitled to earned leave under the Factories Act up to July, 1972 as per the provisions of the Factories Act. The management shall further make an ex gratia payment of Rs 45 to him. He shall, of course, discharge his duties regularly as stated by his authorised representative Shri Ragbir Singh. In the circumstances there shall be no order as to costs.

The 10th April, 1973

O. P. SHARMA,

Presiding Officer,
Labour Court, Haryana, Rohtak.

No. 971, dated the 16th April, 1973

Forwarded (four copies) to the Secretary to Government of Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

O. P. SHARMA,

Presiding Officer,
Labour Court, Haryana, Rohtak.

No. 4309-4Lab-73/17023.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Haryana Rohtak in respect of the dispute between the workmen and the management of M/s Ramesh Safe and Garding Works, Railway Road, Panipat.

BEFORE SHRI O. P. SHARMA, PRESIDING OFFICER, LABOUR COURT, HARYANA,
ROHTAK

Reference No. 183 of 1971

between

SHRI JAGDISH PARSHAD AND THE MANAGEMENT OF M/S. RAMESH SAFE AND GARDING
WORKS, RAILWAY ROAD, PANIPAT

Present.—

Nemo for the workman.

Nemo for the management.

AWARD

By order No. ID/KNL/140-A-71/31100—4, dated 27th October, 1971 of the Governor of Haryana, the following dispute between the management of M/s. Ramesh Safe and Garding Works, Railway Road, Panipat and its workman Shri Jagdish Parshad was referred for adjudication to this court in exercise of the powers conferred by clause (c) of sub-section (i) of section 10 of the Industrial Disputes Act, 1947.

"Whether the termination of services of Shri Jagdish Parshad was justified and in order? If not, to what relief is he entitled?"

On receipt of the order of reference usual notices were given to the parties. The workman did not put-in-any statement of claim whereas on behalf of the management it was contended that his services had been retrenched due to shortage of work along with 8 other workmen as per details given in the written statement. It was further urged that a sum of Rs 1097-55 was paid to this workman by means of cheque No. 313565 on account of his service compensation and other dues in full and final settlement of his claims. The workman has not filed any rejoinder to the above plea of the management nor has become forward to pursue his claim in person or through authorised representative. None has appeared on behalf of the management either inspite of notice.

In the circumstance of the case stated above, the reference cannot proceed and the workman concerned cannot be entitled to any relief by way of reinstatement or payment of back wages. On the face of it, it appears to be a case of retrenchment as would be clear from the purusal of the demand notice dated 23rd July, 1971 given by the workman and the averments made in the written statement of the management. The dispute, if any, arising out of the retrenchment of service of the workman concerned could be referred for adjudication to the Industrial Tribunalaryana. In any case since the workman concerned is not coming forward to pursue his claim and refuse the plea

of the management regarding payment of retrenchment compensation and other dues to him, he cannot be held entitled to any relief in the present proceedings. The award is made accordingly. There shall be no order as to costs.

The 11th April, 1973.

O. P. SHARMA,
Presiding Officer,
Labour Court, Haryana, Rohtak.

No. 973, dated the 16th April, 1973

Forwarded (four copies) to the Secretary to Government of Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

O. P. SHARMA,
Presiding Officer,
Labour Court, Haryana, Rohtak.

No. 4310-4Lab-73/17025.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Haryana Rohtak in respect of the dispute between the workman and the management of M/s. Kanodia Hoseiry Mills, Jatheri (Sonapat).

BEFORE SHRI O. P. SHARMA, PRESIDING OFFICER, LABOUR COURT, HARYANA ROHTAK

Reference No. 116 of 1972

between

SHRI JAGAI RAM AND THE MANAGEMENT OF M/S. KANODIA HOSEIRY MILLS, JATHERI (SONEPAT)

Present.—

Nemo for the workman.

Shri N. L. Kanodia for the management.

AWARD

The following dispute between the management of M/s. Kanodia Hoseiry Mills, Jatheri (Sonapat) and its workman Shri Jagai Ram was referred for adjudication to this court by the Governor of Haryana,—vide order No. ID/RK/187-A-72/11481-85, dated, the 4th April, 1972, in exercise of the powers conferred by clause (c) of subsection (i) of section 10 of the Industrial Disputes Act, 1947.

“Whether the termination of service of Shri Jagai Ram was justified and in order? If not, to what relief is he entitled?”

On receipt of the order of reference usual notices were given to the parties and they put in their respective written statements the workman reiterated his claim for reinstatement and back wages as earlier raised through the demand notice dated 7th January, 1972. The management contested his claim on the ground that as a matter of fact he had himself abandoned service. Jurisdiction of this court to adjudicate upon the present dispute was also questioned. The following issues were framed :—

- (1) Whether this court has no jurisdiction to adjudicate the dispute in question ?
- (2) Whether Shri Jagai Ram concerned workman has himself abandoned service as alleged by the management ?
- (3) Whether the termination of services of Shri Jagai Ram was justified and in order ? If not, to what relief is he entitled ?

The workman concerned has not turned up to pursue his claim nor his authorised representative. Evidence of the management has been recorded.

Shri N. L. Kanodia, Partner of the concern has come into the witness-box as M.W. 1 and proved several documents including the notice, dated 27th November, 1971 M.W. 1/1, A. D. receipt Exhibit M.W. 1/2, another notice dated 8th December, 1971 Exhibit M.W. 1/3, registered cover received back as refused Exhibit M.W. 1/4, copy of the report of the Conciliation Officer Exhibit M.W. 1/5. According to M.W. 1 this workman had absented himself from duty from 16th November, 1971 onward without any

proper authorisation and he had not reported for duty inspite of notice issued to him under registered cover and his name had been struck off the rolls after waiting for 20 days.

From the evidence brought on record on behalf of the management, oral as well as documentary, it is established beyond any said of doubt that this workman had abandoned service by absenting himself from 16th November, 1971 onward. The management had written to him on 27th November, 1971 asking him to attend to his duty but without any response. Still another letter was addressed to him on 8th December, 1971 but the registered cover containing this letter was received back as refused. The management has taken the same plea in the conciliation proceedings also and had further made an offer to take him back on duty but this offer had been declined by him as would be clear from the purusal of the report of the Conciliation Officer also, copy Exhibit M.W. 1/5 on record. The management had waited for 20 days after this workman had absented himself from duty without any proper authorisation and when he did not report for duty inspite of notice, the management had no alternative but to strike off his name of the rolls. As stated by M.W. 1 the workman had collected his dues before leaving the service. If he was really interested in working in this concern he would have accepted the offer made by the management in the conciliation proceedings to take him back on duty. His non appearance in the court in person or through authorised representative to pursue his claim further strengthen the plea of the management that it is a case of self abandonment of service, issue No. 2 is accordingly decided in favour of the management and against the workman. Issue No. 3 does not arise for consideration since it is proved to be a case of self abandonment of service by the workman and not a case of termination of his service by the management. Issue No. 1 has not been pressed.

In view of the facts discussed above, the workman concerned is not entitled to any relief by way of reinstatement or back wages. The award is made accordingly. There shall not be order as to costs.

The 11th April, 1973

O. P. SHARMA,

Presiding Officer,
Labour Court, Haryana, Rohtak.

No. 972, dated 16th April, 1973

Forwarded (four copies) to the Secretary to Government of Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

O. P. SHARMA,

Presiding Officer,
Labour Court Haryana, Rohtak.

No. 4313-4Lab-73/17027.—In pursuance of the provisions of section 17 of the industrial Disputes Act 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Haryana Haryana Rohtak in respect of the dispute between the workmen and management of M/s. Bhiwani Textile Mills, Bhiwani.

BEFORE SHRI O. P. SHARMA, PRESIDING OFFICER, LABOUR COURT, HARYANA, ROHTAK

Reference No. 227 of 1972

Between

SHRI RAM PREM AND THE MANAGEMENT OF M/S. BHIWANI TEXTILE MILLS, BHIWANI

Present.—

Shri Raghubir Singh, for the workman.

Shri N. M. Jain, for the management.

AWARD

By order No. ID/HSR/18-C-72/39419-23, dated 13th November, 1972 of the Governor of Haryana, in exercise of the powers conferred by clause (c) of sub-section (i) of Section 10 of the Industrial Disputes Act, 1947, referred for adjudication to this court, the following dispute between the management of M/s. Bhiwani Textile Mills, Bhiwani and its workman Shri Ram Prem.

"Whether the termination of services of Shri Ram Prem was justified and in order? If not, to what relief is he entitled?"

Usual notices were given to the parties and they put in their respective written statements. It is however not necessary to go into the merits of the case as an amicable settlement has been arrived at between the parties.

Shri Ram Prem the concerned workman was taken back on duty by the management and thereafter he settled his claim, received his full dues and then left service of his own accord, with the result that there is now no dispute left between the parties as stated by their authorised representatives.

In view of the above, the workman concerned is not entitled to any relief in the present reference. The award is made accordingly. In the circumstances, there shall be no order as to costs.

The 10th April, 1973

O. P. SHARMA,
Presiding Officer,
Labour Court, Haryana, Rohtak.

No. 969, dated the 16th April, 1973.

Forwarded (four copies) to the Secretary to Government of Haryana Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

O. P. SHARMA,
Presiding Officer,
Labour Court, Haryana, Rohtak.

The 23rd April, 1973.

No. 4369-4Lab-73/17251.—In pursuance of the provisions of Section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court Haryana, Rohtak, in respect of the dispute between the workman and management of M/s Municipal Committee, Gohana, district Rohtak.

BEFORE SHRI O. P. SHARMA, PRESIDING OFFICER, LABOUR COURT, HARYANA, ROHTAK
Reference No. 254 of 1971

Between

SHRI JAWANDA RAM AND THE MANAGEMENT OF M/s MUNICIPAL COMMITTEE, GOHANA,
DISTRICT ROHTAK.

Present : Shri M.S. Rathi for the workman.
Shri Mukand Lal for the management.

AWARD

The facts leading to the present reference under clause (c) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 may shortly be stated as under —

Shri Jawanda Ram concerned workman had joined service in the Municipal Committee, Gohana as a Muharrir Chungi. There were some allegations of defalcation of accounts against him, but keeping in view of his old age, he was reverted to the post of a peon instead of taking any more serious disciplinary action against him. On 2nd September, 1970 he was required to produce medical certificate regarding his age and fitness for work as it was found that he was not capable of discharging his duties as a peon. Another notice to the same effect was given to him on 23rd September, 1970. He, however, failed to produce the requisite certificate and the respondent Municipal Committee, therefore, retired him from service with effect from 10th September, 1970. Feeling aggrieved, he raised a demand for his reinstatement and payment of back wages contending that according to the Municipal rules he could not be retired from service on reaching the age of 58 years and the allegation that he was incapable of discharging his duties on account of old age and ill-health was wrong and no proper inquiry had been held before taking the impugned action of retirement from service against him. His above representation did not find favour with the respondent Municipal Committee and the Conciliation Officer failed to bring about a settlement between the parties.

On receipt of the failure report from the Conciliation Officer, the Governor of Haryana referred the above dispute for adjudication to this court,—vide order No. ID/RK/95-A-71/40231, dated 13th December, 1971; with the following term of reference :—

“Whether the termination of services of Shri Jawanda Ram was justified and in order ? If not, to what relief is he entitled ?”

On receipt of the order of reference usual notices were given to the parties and they put in their respective written statements taking the pleas already discussed. My learned predecessor framed the following issues :—

(1) Whether the applicant was medically unfit and his compulsory retirement from service was justified ?

The applicant has made his own statement, whereas on behalf of the respondent Municipal Committee its Secretary Shri Mukand Lal has come into the witness box. The documentary evidence relied upon on both sides

consists of the letter dated 23rd September, 1970 written by the President of the Municipal Committee to Shri Jawanda Ram for production of medical certificate of his fitness and age with copy to the Chief Medical Officer, Rohtak.

The case has been argued on both sides. It is a common ground between the parties that on the date of the retirement in question of the workman concerned, he had completed 58 years of age while a peon could be retained in service upto the age of 60 years. According to the plea raised on behalf of the respondent Municipal Committee, it has been found that Shri Jawanda Ram was not capable of attending to his duties properly on account of respondent old age and ill health and he was, therefore, required to get himself examined by the Chief Medical Officer, Rohtak and produce fitness certificate and proof of age. A copy of the letter was also addressed to the Chief Medical Officer, Rohtak. Shri Jawanda Ram admits that he had received this letter and that he had not appeared before the Chief Medical Officer, Rohtak for his examination. It has argued on his behalf that the necessary amount had not been paid to him to meet with the charges of his medical examination and from the statement of the Secretary of the Municipal Committee M.W. 1 also it is clear that no amount has been given to him for this purpose. In any case, Shri Jawanda Ram was ill-advised not to get himself examined by the Chief Medical Officer, Rohtak and produce the fitness certificate when the respondent Municipal Committee was insisting upon its production to allow him to continue in service beyond the age of 58 years. In case, he was declared medically fit to continue in service or even otherwise he could claim re-imbursement of the charges incurred by him in this connection. But since he has already reached the age of 60 years this aspect of the case is not going to make any material difference so far as the question of his reinstatement or continuance in service as a peon is concerned.

The question that next arise for consideration in the case is whether, in the circumstances discussed above, Shri Jawanda Ram could still be entitled to any relief. As would be clear from the wording of the issue framed by my learned predecessor as stated above, the burden was on the respondent Municipal Committee to establish that this workman was medically unfit and his compulsory retirement from service before he attained the age of 60 years was justified. No satisfactory evidence has been brought on record to discharge this burden except for the production of the letter Exhibit W. 1 and the statement of the Secretary M.W. 1. As against the statement of M.W. 1 there is the statement on oath of the workman himself. There is no corroboration of the statement of M.W. 1 by examining any other employee of the Municipal Committee or otherwise. If Shri Jawanda Ram was not in a position to meet the charges of his medical examination, the Committee should have written to the Chief Medical Officer, Rohtak that the necessary charges would be paid by the Committee but nothing of the sort was done.

So taking into consideration all the facts and the circumstances of the case, the old age and poor circumstances of the applicant and the fact that he was retired from service much before he attained the age of 60 years upto which he would otherwise have been entitled to continuous in service, I think the respondent Municipal Committee should pay him a sum of Rs. 1,200 which would be equal to 1/3 of his wages for the period of his forced unemployment from the date of his retirement till he attained the age of 60 years taking the date of his birth as 10th September, 1912 as per the Municipal record according to the statement of M.W. 1. This amount shall be exclusive of the other dues to which Shri Jawanda Ram may be entitled on account of Provident Fund etc. The award is made accordingly. There shall be no order as to costs.

The 13th April, 1973.

[O. P. SHARMA,]

Presiding Officer,
Labour Court, Haryana,
Rohtak.

No. T/29, dated the 16th April, 1973.

Forwarded (four copies) to the Secretary to Government of Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

O.P. SHARMA

Presiding Officer,
Labour Court, Haryana,
Rohtak.

No. 4368-4Lab-73/17253.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Haryana, Rohtak, in respect of the dispute between the workman and the management of M/s Northern India Plywoods, Mathura Road, Faridabad.

BEFORE SHRI O. P. SHARMA, PRESIDING OFFICER, LABOUR COURT, HARYANA, ROHTAK.
Reference No. 76 of 1970

between

SHRI GAJRAJ AND THE MANAGEMENT OF M/S NORTHERN INDIA PLYWOODS.
MATHURA ROAD, FARIDABAD.

Present :

Shri K.S. Gulati, for the management.
Nemo, for the workman.

AWARD

By order No. ID/31967-71, dated 30th December, 1968 of the Governor of Haryana, the following dispute between the management of M/s. Northern India Plywoods, Mathura Road, Faridabad and its workman Shri Gajraj was referred for adjudication to this court, in exercise of the powers conferred by clause (c) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947.

"Whether the termination of services of Shri Gajraj was justified and in order? If not, to what relief is he entitled?"

On receipt of the order of reference usual notices were given to the parties. A number of notices issued to the workman concerned were received back un-served and he was actually served for 21st December, 1972. He elected not to appear and contest his claim. Notices issued thereafter also had no effect. The management raised the plea that as a matter of fact, this workman had settled the claim and received payment of his dues.

Since the workman concerned is not coming forward in person or through any authorised representative to pursue his claim for reinstatement and payment of back wages and to deny the plea of the settlement of his claim by the management, the presumption is that he has no dispute with the management and that why he is not taking any interest in the proceedings in the present reference inspite of notice.

In the circumstances, no further proceedings are called for in the case and a no dispute award is made. There shall be no order as to costs.

O. P. SHARMA,
Presiding Officer,
Labour Court, Haryana,
Rohtak.

The 13th April, 1973.

No. T/28, dated 16th April, 1973.

Forwarded (four copies) to the Secretary to Government of Haryana, Labour & Employment Departments. Chandigarh as required under Section 15 of the Industrial Disputes Act, 1947.

O. P. SHARMA,
Presiding Officer,
Labour Court, Haryana,
Rohtak.

No. 4370-4Lab-73/17271.—In pursuance of the provisions of Section 17 of the Industrial Disputes Act 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court Haryana, Rohtak, in respect of the dispute between the workman and management of M/s. Hind Tractor, Bus Stand, Hansi.

**BEFORE SHRI O.P. SHARMA, PRESIDING OFFICER, LABOUR COURT, HARYANA,
ROHTAK**

Reference No. 123 of 1972

Between

**SHRI HEM RAJ AND THE MANAGEMENT OF M/S HIND TRACTORS, BUS STAND,
HANSI**

Present :

Shri Raghubir Singh for the workman.
Shri O.P. Sharma for the management.

AWARD

By order No. ID/HSR/97-A-72/115-34/38, dated 4th April, 1972 of the Governor of Haryana, the following dispute between the management of M/s. Hind Tractors, Bus Stand, Mansi and its workman Shri Hem Raj was referred for adjudication to this court, in exercise of the powers conferred by clause (c) of sub-section (i) of Section 10 of the Industrial Disputes Act, 1947.

"Whether the termination of services of Shri Hem Raj was justified and in order? If not, to what relief is he entitled?"

On receipt of the order of reference usual notices were given to the parties calling upon them to put in their respective written statements which was done. Shri Hem Raj concerned workman reiterated his claim for reinstatement and back wages as earlier raised through the demand notice leading to the present reference. According to him, his services had been terminated by the management illegally and without any justification and by way of victimisation on account of his trade union activities.

On the other hand, the management contested his claim on the ground that he voluntarily submitted his resignation on 1st August, 1971 and the same had been accepted w.e.f. 1st September, 1971 and that he had received his full dues in final settlement of his claims. The plea of victimisation raised by him was also denied.

From the pleadings of the parties, the following 2 issues arose for determination in the case.

1. Whether the applicant himself resigned his job ?
2. If issue No. 1 is not proved whether the termination of services of Shri Hem Raj was justified and in order ? If not, to what relief is he entitled ?

The management has examined one witness Shri Chandgi Ram, Manager, M.A.W. 1, who has proved the resignation of the workman concerned Exhibit M. 1 and the payment of Rs. 285 made to him in full and final settlement of his claim,—vide original entry Exhibit M. 2 in the relevant register. According to him the services of this workman stood terminated w.e.f. 1st September, 1971 after his resignation had been accepted and he had been paid his dues in full and final settlement of his claim. The witness further deposed that as a matter of fact, Shri Hem Raj wanted to start his own work for which he had obtained loan from the Industries Department, Haryana and also obtained electric connection in his own name. In cross-examination he refuted the suggestion that the resignation of the workman concerned had been obtained on fraudulent representation that his signatures were required on an application for payment of his Provident Fund. It was also denied that he had not obtained loan from the Government and that he was not running his own independent business. The documentary evidence relied upon by the management besides resignation Exhibit M. 1 and the payment entry Exhibit M. 2 consists of a photograph of the workshop of Shri Hem Raj described as Rama Welding Works Exhibit M. 3 and letter dated 9th September, 1971 Exhibit M. 4 written by the management to the Establishments and Shop Inspector, Hissar intimating that four workmen including Shri Hem Raj had left service during the month of August, 1971.

Shri Hem Raj concerned workman has himself come into the witness-box besides examining two other persons Shri Ram Murti Salani W.W. 1 and Shri Mohan Lal W.W. 2. According to Shri Hem Raj the disputed resignation Exhibit M. 1 had not been submitted by him and his signatures on this document had been obtained by the management on fraudulent representation that an application had to be submitted in connection with his Provident Fund Account. In cross-examination, he has admitted that he had obtained electric connection in his own name and paid the electric bills and that the name Hem Raj shown in the photograph of the workshop Exhibit M. 3 may be his own name. Shri Ram Murti Salani W.W. 1 has stated that he had made a complaint Exhibit W.W. 1/1 to the Labour Inspector, Hissar with the allegations that Shri Hem Raj had been illegally removed from service by the management of M/s Hind Tractors, Bus Stand, Hansi, but no action was taken on that complaint. Shri Mohan Lal W.W. 2 has deposed that Shri Hem Raj had worked at his workshop known as M/s Upkar Cycle Industries, Hansi in February, 1972 and he was still occasionally working there. In cross-examination he has denied the suggestion that Rama Welding Works was being run by Shri Hem Raj.

The case has been argued on both sides and I have given a considered thought to the material on record. The main question that arises for determination in the case is whether Shri Hem Raj concerned workman had himself left service as contended by the management. In view of the specific denial on the point, the burden was of course on the management to establish this fact and on a careful scrutiny of the material on record, oral as well as documentary, I find that the management has fully succeeded in discharging this burden. To begin with, there is the resignation of the workman Exhibit M. 1 on record. He has not denied his signatures of this document. His plea is that his signatures had been obtained on fraudulent representation that an application had to be submitted for the collection of his Provident Fund amount. This allegation has not been sustained by any evidence worth consideration. There is nothing on the record to suggest that the management was displeased with him on account of any trade union activities. In the circumstances, the management had no reason whatever to play any fraud upon him, then there is the payment entry of Rs. 285 to him in full and final settlement of his claims. If he had, in fact, not submitted his resignation, there was no occasion for him to clear his account and get full and final payment of his dues.

There is still another aspect of the case which deserves consideration here. According to the plea raised by the management in the written statement this workman in fact, wanted to start his own independent work and this plea has been established by oral as well as, documentary evidence. According to the statement of M.W. 1 Shri Hem Raj had obtained electric connection in his own name and he had also obtained loan from the Industries Department, Haryana. Shri Hem Raj has admitted that the electric connection in the Rama Welding Works, Hansi was obtained in his name and the electric bills had been paid by him. He also admits that the name Hem Raj appearing in the photograph Exhibit M 3 of the said Rama Welding Works may be his own name.

So taking into consideration the material brought on record on both sides, oral as well as documentary, I am quite clear in my mind that this workman had left service with the respondent of his own accord by submitting

his resignation Exhibit M. 1 on 1st August, 1971 which was accepted by the management w.e.f. 1st September, 1971 and on payment of Rs. 285 to him in full and final settlement of his claim his services automatically stood terminated w.e.f. that date. The said resignation had voluntarily been submitted by the workman because he wanted to start his own work and he had actually started the work in the name of Rama Welding Works at Hansi.

For the reasons aforesaid, issue No. 1 is decided in favour of the management and against the workman. On account of the voluntarily resignation of the workman which was duly accepted on 1st September, 1971 without any fraud etc. on the part of the management, the question of the termination of his services by the management in any illegal manner did not arise.

In view of my above observations, the workman is not entitled to any relief in the present reference and the award is made accordingly. There shall be an order as to costs.

Dated the 13th April, 1972

O. P. SHARMA,
Presiding Officer,
Labour Court, Haryana,
Rohtak.

No. T/30, dated the 16th April, 1973.

Forwarded (four copies) to the Secretary to Government of Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

O. P. SHARMA,
Presiding Officer,
Labour Court, Haryana,
Rohtak.

S.N. BHANOT,
Commissioner for Labour and Employment
and Secretary to Government, Haryana.

TOWN AND COUNTRY PLANNING DEPARTMENT

The 10th April, 1973

No. 1411-2TCP-73/10815-A.—In exercise of the powers conferred by Sub-Section 7 of section 5 of The Punjab Scheduled Roads and Controlled Area Restriction of Unregulated Development Act, 1963, the Governor of Haryana is pleased to publish in the final Development Plan along with the restrictions and Conditions applicable to the Controlled Area at Fatehabad as notified under section 4 of the said Act,—vide Haryana Government notification No. 10092-5-DP-71/2864, dated 10th September, 1971, published in the Haryana Government Gazette dated 21st September, 1971 (given in annexure A and B to the development Plan). The relevant Plan, the development Plan drawing No. DTP (H) 923/72 is appended hereto.

ANNEXURE 'A'

EXPLANATORY NOTE ON THE DEVELOPMENT PLAN OF CONTROLLED AREA, FATEHABAD (See Page No. 743)

1. INTRODUCTORY

Fatehabad town is situated on Delhi-Hissar Sulemonki National Highway No. 10 and is 48 kilometres in the north-west of Hissar. It is sub-Divisional Headquarter of Hissar District. The town was founded by Feroze-Shah Tughlak and named after his son Fateh-Khan. Fatehabad is not connected by rail and the nearest railway station is "Bhattu" situated at a distance of 11 miles from Fatehabad. During the last two decades town has made a commendable progress. With the inception of irrigation facilities from Bhakra Canal system, lot of waste land around the town and its hinter land, earlier being used in pastures, has been brought under cultivation, producing huge quantities of cotton, gram and wheat. The town being centrally located has become an important mandi town with Agrarian Economy as its main economic base. Due to its nodal location, important roads converging on it, connect it with various towns of Haryana, Punjab and Rajasthan.

2. With the growing prosperity of the hinter land and improved means of communications, several new urban functions have been added to the town resulting into its physical expansion. The Haryana Government has set up a New Mandi town in extension of the existing town adding to specialised economic activities such as marketing of Agricultural goods, Industry and retail shopping, etc. The old town is confined to the north of Hissar-Sirsa road but in the recent past the new Development has been taking place in West of the old town.

south of the Hissar-Sirsa road and also along the Hissar-Sirsa Road. The town has experienced considerable changes in its physical and functional structure only in the recent past as a result of which lot of haphazard growth has taken place. Therefore, in order to check the haphazard and unplanned growth of the town a sizeable area around Fatehabad Municipal limits has been declared as Controlled Area under the Punjab Scheduled Roads and Controlled Areas, Restriction of Unregulated Development Act, 1963,—vide Haryana Government Notification No. 10092-VDP-71/3864, dated the 10th September, 1971 appearing in Haryana Government Gazette of September 21, 1971.

2. POPULATION PLANNED FOR

Since 1951 population trends of Fatehabad have been quite encouraging. In 1961 town had a meagre population of 2968 persons only which increased to more than seven times by 1971. During the decade 1951—61 town's population showed tremendous increase of nearly 320 per cent and during the decade 1961—71 it showed an increase of nearly 82 per cent. In 1971 the population of Fatehabad was recorded as 22,654 persons and in 1961 it was 12,661 persons. This unprecedented rise in the population during the decade 1951—61 is attributable mainly to exceptionally big migration factor when the people migrated to Fatehabad from the surrounding areas, and other districts like Amritsar and Ferozepur and Bhakra-Nangal area. During the last decade the population increased due to the setting up of new industrial units, a planned Mandi town and several other infrastructural features like Courts, Rest House, College etc., which were added to the town during this period. In the overall growing prosperity of the surrounding area, the town with its central location is expected to maintain a high rate of the growth of population. Therefore, keeping in view the above mentioned factors the town has been planned for a population of 60,000 persons by the year 1991.

3. ECONOMIC BASE

Trade and commerce, mostly backed by the agrarian economy continues to occupy the predominant position in the economic pursuit of Fatehabad town. As per 1961 census trade and commerce employed nearly 26.3 per cent of total working force. It is dominated by wholesale marketing of cotton, foodgrains and oil seeds located mostly in a planned Mandi. There is no planned market for retail trade. The retail shopping is mostly confined to the congested streets of the old town. However, there is an urgent need to organise the retail trade in a planned market outside the old town. As per 1961 census, nearly 16 per cent of total workers were employed by household and manufacturing industry. Number of industrial workers in manufacturing industry increased from 282 in 1961 to 408 in 1972. The industrial activity of the town is dominated by Cotton ginning and pressing mills, Dal Mill and a few units attracting saltpeter. Most of the Industrial units are located along Hissar-Sirsa road. A rural industrial Estate is expected to come up shortly as the work is already in progress. Nearly 29 per cent of its working force was employed in other services as per 1961 census.

4. WATER SUPPLY AND SEWERAGE

The water supply of the town is canal based and the water works feeds nearly 14,000 persons residing mostly in the areas outside the old town, i.e., "mandi town" and "model town" etc. Its daily supply is 10.12 gallons per capita per day. The public Health Department proposed to double the water supply within next 2 years. The existing water works is fed by Fatehabad canal distributory. The population residing mostly in the old town is fed by three tube-wells which are being maintained by Municipal Committee; however, the supply is inadequate.

2. Most of the town has got underground sewerage except few localities in the old town and areas between Bhattu road and Hissar-Sirsa road. Present disposal works is located on Hissar-Sirsa Road with a reasonable set back. Nearly 70 per cent of the area of the town is covered by sewerage and the remaining 30 percent will be provided with the same within next 2 years.

5. COMMUNITY FACILITIES

There are three High and Higher Secondary Schools, one Degree College, one Vocational Training Institute, one Middle School and three Primary Schools. Fatehabad Town has got one General Hospital, one Cinema with total seating room and three parks.

6. PROPOSALS

Taking into account the past growth trends specially during the last two decades, the improving infrastructure and the incentives which shall be offered by Haryana Government the town of Fatehabad has been planned for a population of 60,000 by the year 1991. The plan proposals cover an urbanisable area of about 2,505 acres out of which 1,625 acres falls within Municipal limits and 880 acres in the Controlled Area. The break-up of the proposed land used in the Controlled Area is as under :—

Proposed land used Controlled Area Fatehabad

Serial No.	Land use	Area in Acres
1	Residential	610
2	Industrial	165
3	General Business-cum-commercial and Civic Centre	5
4	Major Roads	100
Total		880 Acres

7. LOCATION OF VARIOUS LAND USES

As the considerable area within the Municipal limits is lying vacant, some of the important land uses like Major Institutions, General Business-cum-commercial-cum-Civic Centre and a considerable area of residential and other land uses falls within the Municipal limits and hence it is not shown in the Development Plan.

Taking into consideration the present expansion trend of the town and infrastructural factors, the future expansion of the town has been proposed along Hissar-Sirsa road which will act as the main spine. Industrial area has been provided at the junction of road from Buna-Tohana with Hissar-Sirsa road, which is the most favourable site for industry. Only a small part of the business-cum-commercial-cum-civic zone has been shown in the Development Plan where as most of this zone falls within the Municipal limits. Business-cum-commercial-cum-civic zone abuts Hissar-Sirsa road. The Residential Area has been zoned into sectors.

8. MAJOR ROAD SYSTEM

The major urban land uses are contained within the frame work of major road system from which the access will be provided at the specific points. These roads have been classified as V-1, V-2, and V-3, according to their functions. In the Development Plan, only the major road system has been shown and the internal roads of the sectors will be planned in the detailed sector plans. Hissar-Sirsa road has been proposed as V-2 double carriage way. All other Sector roads are V-3 as shown in the Plan.

9. ZONING REGULATIONS

The legal sanctity to the proposals regarding land use is being given effect to by a set of 'zoning regulations' which form part of this Development Plan. These regulations will govern the change of land use and standards of Development. They also detail out allied and ancillary uses and stipulate that all development and change of land use shall be in accordance with the details shown in the sector plans for each sector to guide the development and to enforce proper control.

ANNEXURE 'B'

ZONING REGULATIONS

Governing uses and development of land in the Controlled Area, Fatehabad, as shown in the Drawing No. DTP(H)923/72. dated 16th March, 1972.

1. General

(1) These regulations forming part of the Development Plan for the Controlled Area around Fatehabad shall be called Zoning Regulations of the Development Plan for the Controlled Area.

(2) The requirements of these Regulations shall extend to the whole of the area covered by the Development Plan and shall be in addition to the requirements of the Punjab Scheduled Roads and Controlled Areas—Restriction of Unregulated Development Act, 1963, and the Rules framed thereunder.

II. Definitions

- (a) "Approved" means approved under the Rules.
- (b) "Building Rules" means rules contained in Part VII of the Rules.
- (c) "Drawing" means Drawing No. DTP(H)923/72.
- (d) "Floor Area Ratio (F.A.R.)" means the ratio expressed in percentage, between the total floor area of the building on all floors and the total area of the site.
- (e) "Group Housing" means housing in blocks without division into streets and independent plots with necessary open spaces and sites for community facilities.
- (f) "Light Industry" means industry not likely to cause injurious or obnoxious, noise, smoke, gas, fumes, odours, dust, effluent and any other nuisance to an excessive degree and motivated by electric power.
- (g) "Local Service Industry" means an industry the manufacture and products of which are generally consumed within the local area, for example bakeries, ice-cream manufacturing aerated waters, atta chakies with power, laundry, dry cleaning and dyeing, repair and service of automobile, scooters and cycles, repair of household utensils, shoe-making and repairing fuel depots, etc.
- (h) "Material Date" means 10th September, 1971 on which date the land within the Controlled Area was notified,—vide Haryana Government Notification No. 10092-VDP-71/3864, dated 10th September, 1971 appearing in the Haryana Government Gazette of September 21, 1971.
- (i) "Medium Industry" means all industries other than light industry and local service industry and not omitting obnoxious or injurious fumes and odours.
- (j) "Non-conforming Use" in respect of any land or building in Controlled Area means the existing use of such land or building which is contrary to the major land use specified for that part of the area in the Development Plan.
- (k) "Public Utility Buildings" means any building required for running of public utility service such as water-supply, drainage, electricity, post and telegraph and transport and any other municipal services including a fire station.
- (l) "Rules" means the Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Rules, 1965.
- (m) "Sector Density" and "Colony Density" shall mean the number of persons per acre in "Sector Area" or "Colony Area" as the case may be.
- Explanation.—*(i) In this definition the 'Sector Area' or 'Colony Area' shall mean the area of the sector of Colony as bounded within the major roads shown on the drawing in case of sector and on the approval layout plan of the colony in the case of colony including 50 per cent of land under major roads surrounding the sector or colony and excluding the area unit for building development within the sector or the colony as the case may be.
- (ii) For the purposes of calculation of "Sector density" or "Colony Density", it shall be assumed that 50 per cent of the sector area or colony area will be available for residential plots including the area under "group housing" and that every building plot shall on the average contain two dwelling units each with a population of 4.5 persons per dwelling unit or 9 persons per building plot. In the case of shop-cum-residential plot, however one family unit shall be assumed.
- (n) "Site Coverage" means the ratio expressed in percentage between the area covered by the ground floor of a building and the area of the site.
- (o) The terms "Act", "Colony", "Colonizer", "Development Plan", "Sector and Sector Plan" shall have the same meaning as assigned to them in the Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Rules, 1965.
- (p) In case of any doubt, any other term shall have the same meaning as assigned to it in the Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Act, 1963.

III. Major Land Uses/Zones

For purposes of these Regulations, the various parts of the Controlled Area, indicated on the drawing shall be reserved for the following major land uses and to be designated as such:—

- (i) Residential Zones.
- (ii) Industrial Zone (Light-cum-medium industry).
- (iii) Civil-cum-commercial-cum-business Zone.
- (iv) Rural Zone.

IV. Division into Sectors

Major land uses mentioned at serial Nos. (i) to (iii) in regulation III above which are land uses for building purposes, have been divided into sectors as shown on the drawing. Main, ancillary and allied uses which subject to other requirements of these Regulations and of the Rules, may be permitted in the respective major land use zone are listed in appendix 'A' sub-joined to these Regulations.

V. Sector not Ripe for Development

Notwithstanding the reservation of various sectors for respective land uses for building purposes, the Director may not permit any change in their land use or allow construction of buildings thereon, from considerations of compact and economical development of the Controlled Area till such time as availability of water supply drainage arrangement and other facilities for these sectors are ensured to his satisfaction.

VI. Sectors to be developed exclusively through Government Enterprise etc.

(i) Change of land use and development in sectors meant for "civic-cum-commercial-cum-business use" shall be taken only exclusively through the Government undertaking or a public authority approved by the Government in this behalf and no permission shall be given for development of any colony within this sector.

(ii) Notwithstanding the provision of clause (i) above, the Government may reserve at any time, any other sector for development exclusively by it or by the agencies mentioned above.

VII. Land Reservation for Major Roads

Land reservation for major roads shall be as under :—

- | | |
|--|----------------|
| (i) Major road indicated as V-I(a) on Drawing | Existing width |
| (ii) Major roads marked as V-2 on Drawing | 45 metres |
| (iii) Major roads marked as V-3 on the drawing (roads along the boundaries of sectors) | 32 metres |

Width and alignment of other roads shall be as per sector plan or as per approved layout plans of colonies.

BUILDING RESTRICTIONS

VIII. The Development to conform to Sector Plan and Zoning Plan

Except as provided in regulation IX below no land within a major land use shall be allowed to be used and developed for building purpose unless the proposed use and development is according to the details indicated in the sector plan in which the land is situated.

IX. Industrial non-conforming use

With regard to the existing industries shown in Zones other than Industrial Zone in the Development Plan, such industrial non-conforming uses shall be allowed to continue provided that the owner of the industry concerned—

- (a) undertakes to pay to the Director as determined by him the proportionate charges towards the external development of this site as and when called upon by the Director to do so in this behalf, and
- (b) during the interim period makes satisfactory arrangement for the discharge of effluent to the satisfaction of the Director.

X. Discontinuance of non-conforming uses

(i) If a non-conforming use of the land has remained discontinued continuously for a period of two years or more, it shall be deemed to have terminated and the land shall be allowed to be re-used or redeveloped only according to the conforming use.

(ii) In a non-conforming use, if building is damaged to the extent of 50 per cent or more of its reproduction value by fire, flood, explosion, earthquake, war, riot or any other natural calamity, it shall be allowed to be redeveloped only for conforming use.

XI. Density, size and Distribution of Plots

(i) Every residential sector shall be developed to the sector density prescribed for it, subject to a maximum of 20 per cent variation allowed in either side of the prescribed sector density.

(ii) In case of residential colony allowed under regulation XVI the colony density of the colony area shall not exceed the limits as laid down below :—

For area up to 250 acres—60

For area larger than 250 acres—45.

XII. Individual Sites to form part of Approved Layout/Zoning Plans

No permission for erection or re-erection of building on a plot shall be given unless—

(i) The plot forms a part of an approved colony or zoning plans or the plot is such for which relaxation has been granted as provided in Regulation XVI below.

(ii) The plot is accessible through a road laid out and constructed up to the situation of the plot to the satisfaction of the Director.

XIII. Site coverage and height of buildings in various uses

Site coverage and height up to which buildings may be erected within independent residential land industrial plots shall be according to the provisions contained in Chapter VII of the Rules. In case of other categories, maximum site coverage and the floor area ratio shall, subject to architectural control, as may be imposed under Regulation XV, be as under :—

Type of use	Coverage on group floor	Maximum floor area ratio
(i) Group Housing	.. 33½ per cent	150 per cent
(ii) Govt. Offices	.. 25 per cent (including parking and garages)	150 per cent
(iii) Commercial plots within Central business zone	50 per cent if air-conditioning is not done and 75 per cent if done	150 per cent
(iv) Commercial plots within neighbourhood shopping centres	- 50 per cent	125 per cent
(v) Warehousing	.. 75 per cent	150 per cent

XIV. Building lines in front, side and rear

This shall be provided in accordance with Rules, 51, 52 and 53.

XV. Architectural Control

Every building shall conform to architectural control wherever and if any specified in the architectural control sheets prepared under Rule 50.

XVI. Relaxations

In case of any land lying in Rural Zone, Government may relax the provisions of this Development Plan—

(a) For use and development of the land into a residential or industrial colony, provided the colonizer had purchased the land for the said purpose prior to the material date and the colonizer secures permission for this purpose as per Rules.

(b) For use of land as an individual industrial site (as distinct from an industrial colony) provided that—

- (i) The land was purchased prior to the material date.
- (ii) The Government is satisfied that the need of the industry is such that it cannot await alternative allotment in the proper Zone.
- (iii) The owner of the land undertakes to pay to the Director as determined by him the proportionate charges towards the development of this land as and when called upon by the Director in this behalf and during the interim period makes satisfactory arrangements for the discharge of effluent.
- (iv) The owner of the land secures permission for building as required under the rules.

EXPLANATION

The word 'purchase' in this Regulation shall mean acquisition of full proprietary rights and no lesser title, such as agreement to purchase etc.

XVII. Provision of Farm-house outside Abadi Deh in Rural Zone

A farm house in Rural Zone outside Abadi Deh of village may be allowed where the agricultural land attached exceeds 0.4 hectare and on the following conditions :—

Size of farm	Maximum coverage of farm-house	Maximum height and storey
0.4 to 1.2 hectares	45 sq. metres	Single Storey, 6 metres
Above 1.2 hectares	135 sq. metres	Ditto

Minimum set back for such dwelling shall be—

- (a) 15 M from any boundary line of property.
- (b) 30 M from any village road.
- (c) 60 M from any State road connecting the town.
- (d) 300 M from any National Highway and scheduled roads.
- (e) 400 M from any bye-pass.

XVIII. Minimum size of Plots for various types of use

The minimum sizes of the plots for various types of uses shall be as below :—

	Sq. yards
(i) Shop-cum-residential plots	125
(ii) Shopping booth including covered corridor or pavement in front	20
(iii) Local Service Industry Plots	250
(iv) Light Industry plots	1,000
(v) Medium industry plots	2 acres

2. The minimum area under a group housing estate shall be one acre.

RELAXATION OF DEVELOPMENT PLAN

Government in case of hardship or with a view to save any structure constructed before the material date, relax any of the provisions of the Development Plan on principles of equity and justice and on payment of such development charges and on such conditions as it may deem fit to impose.

APPENDIX 'A'

Residential Zone

- (i) Residences
- (ii) Boarding Houses
- (iii) Social, Community, religious and recreative buildings
- (iv) Public Utility Buildings
- (v) Educational Buildings, all type of schools and where necessary colleges
- (vi) Retail shops and restaurants
- (vii) Health Institutions
- (viii) Commercial and professional offices
- (ix) Cinemas
- (x) Local Service Industries
- (xi) Petrol filling stations and service garages.
- (xii) Bus stands and bus stops
- (xiii) Tonga, Taxi, Scooter and Rickshaw stand
- (xiv) Any other need ancillary to residential use
- (xv) Nurseries, green houses

As required for the local needs of major use and at sites earmarked for them in the sector plan or in the approved layout plans of the colonies.

Industrial Zone

- (i) Medium and Light Industry
- (ii) Local Service Industry
- (iii) Warehousing and Storage
- (iv) Public utility buildings community, recreative and social buildings, retail shops
- (v) Parking, loading and unloading areas
- (vi) Bus stops, taxi, tonga and rickshaw stand
- (vii) Petrol filling stations and service garages

As required for the local needs of the area and as per sites shown on the sector plans and or on the approved plan of the colony

Civic-cum-Commercial-cum-Business Zone

- (i) Retail shops
- (ii) Restaurants and entertainment places including cinemas and theatres
- (iii) Business and professional offices
- (iv) Residences on the first and higher floors

- (v) Warehousing and covered storage
- (vi) Local Service Industry
- (vii) Civic, cultural, social and community buildings
- (viii) Local and Government offices
- (ix) Public utility buildings
- (x) Petrol filling stations and service garages
- (xi) Loading and unloading yards
- (xii) Parking spaces, bus stops, taxi, tonga and rickshaw stand
- (xiii) Fish, fruit and other wholesale markets
- (xiv) Any other use which Government in the public interest may decide

} As per sites shown on the sector plans and zoning plans

Rural Zone

- (i) Agricultural, horticultural, dairy, poultry farming
- (ii) Village houses within Abadi Deh
- (iii) Farm houses outside abadi deh subject to restrictions as laid down in Regulation XVII
- (iv) Expansion of existing villages contiguous to abadi deh if undertaken under a project approved or sponsored by the Central or State Government
- (v) Milk chilling stations and pasteurization plants

- (vi) Bus and Railway Stations
- (vii) Airports with necessary buildings
- (viii) Wireless stations
- (ix) Weather stations
- (x) Land drainage, irrigation and hydro-electric works
- (xi) Hydro-electric transmission lines and places
- (xii) Cremation and burial grounds
- (xiii) Mining and extractive operations including lime and brick-kilns, stone quarries and crushing subject to rules and at approved sites provided that none of these operations are sited within 1,000 feet of the edge of any National, State or District Highway
- (xiv) Petrol filling stations
- (xv) Any other use which Government may in public interest decide

As approved by the Director

L. C. GUPTA, Secy.
Secretary to Government, Haryana,
Town and Country Planning Department.

FATEHABAD

EXISTING POPULATION 1971 = 22654
PROPOSED POPULATION 1991 = 60000

LEGEND

EXISTING FEATURES

- BOUNDARY OF CONTROLLED AREA
MUNICIPAL BOUNDARY
AREA WITHIN MUNICIPAL BOUNDARY
ROADS
REVENUE RASTAS
CANALS & DISTRIBUTARY
WATER WORKS
VILLAGES
EXISTING OPEN
EXISTING TOWN & ABADIES
EXISTING INDUSTRY

PROPOSALS.

RESIDENTIAL

RESIDENTIAL SECTOR

SECTOR NO.

INDUSTRIAL

LIGHT CUM MEDIUM INDUSTRY

CIVIC CUM COMMERCIAL & BUSINESS CENTRE

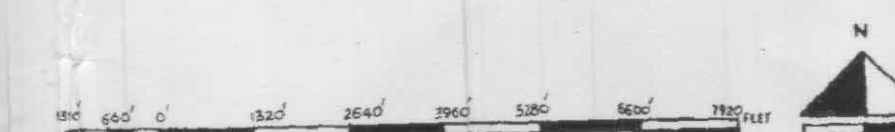
COMMUNICATION

SECTOR ROADS

RURAL ZONE

BRICK KILN ZONE

DEVELOPMENT PLAN FOR THE
CONTROLLED AREA AT FATEHABAD



OFFICE OF THE DIVISIONAL TOWN PLANNER HISSAR
DRG. NO. D. T. P. (H) 923/72 DATED

DRAWN BY
SK. PS. CHOPRA
SD:- DHULP SINGH
SD:- B.N. GOYAL

Sd/- B.S. OHRI
PLANNING ASST

Sd-MP ANEJA
A-577 TONK PLANNER

Sd/- B D GULATI
DIVISIONAL TOWN PLANNER
MEERUT

(9704/CS - Govt. Press Chd.)